UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,948	04/15/2004	Ralph E. Wesinger JR.	GRAPH-005COT	8227

28661   7590   09/26/2007
SIERRA PATENT GROUP, LTD.
1657 Hwy 395, Suite 202
Minden, NV 89423

EXAMINER
MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/825,948	WESINGER ET AL.
	Examiner	**Art Unit**	
	Tony Mahmoudi	2165	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/24/07 (see OA for details.*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Remarks

1. In response to communications filed on 13-July-2007, claims 22, 25-28, 31-4, and 37-

    39 are amended per applicant's request. Claims 22-39 are presently pending in the

    application, of which, claims 22, 28, and 34 are presented in independent form.

Information Disclosure Statements

2. The following IDS submissions have been considered by the Examiner with this

    Office Action (copies attached):

IDS Submission Date	# of pages
24-April-07	3
24-April-07	4

Terminal Disclaimer

3. The Terminal Disclaimer filed on 26-June-2007 disclaiming the terminal portion of

    any patent granted on this application has been reviewed and is approved by the

    Office as of 06-July-2007.

Response to Arguments

4. Applicant's arguments filed on 13-July-2007 with respect to the rejected claims in view of the cited prior art have been fully considered but they are moot in view of the new grounds for rejection.

Applicant's arguments regarding the Double Patenting rejection are fully considered, but they are moot in view of Examiner's withdrawal of the Double Patenting rejection as the result of the Applicant-submitted (and approved) Terminal Disclaimer.

Applicant's arguments regarding the rejections under 35 U.S.C. 101 are fully considered but they are moot in view of Examiner's withdrawal of the 101 rejections as the result of Applicant's amendments, overcoming the prior 101 rejection.

Specification

5. The disclosure is objected to because it contains embedded hyperlink(s) and/or other forms of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Example of the hyperlink(s) is visible in the specification in:

paragraph 7 http://hoohoo.ncsa.uiuc.edu/cgi/interfac.html,

paragraph 10 http://www.yahoo.com, and

paragraph 58 http://webwho.com/view?id=xxxx,

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7. Newly amended dependent claims 25-27 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim

the subject matter which applicant regards as the invention.

Claim 25 as amended, recites, "the act of said user indexing" in lines 1-2.

Claims 26-27 as amended, recite, "the act of said user adding" in lines 1-2.

There is insufficient antecedent basis for these limitations in the above claims.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 22-24, 28-30, and 34-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Cooper et al</u> (U.S. Patent No. 5,465,167, hereinafter referred to as

Cooper,) in view of <u>Rogers et al.</u> (U.S. Patent No. 5,752,246, hereinafter referred to

as **Rogers**.)

As to claims 22 and 28, **Cooper** teaches a method for creating entries (see column 13, line 66 through column 14, line 1) in an on-line database (see column 6, lines 51-60, where "on-line database" is read on "data storage medium" on the "network") including a user-defined category and an associated description comprising (see column 8, line 61 through column 9, line 9):

receiving a request from a user to create an entry in an online database (see column 9, lines 14-24, and see column 13, line 66 through column 14, line 1) accessible over a public network (see figure 3 and see paragraph 6, lines 42-64);

creating an entry in an on-line database (see column 14, lines 30-36);

receiving a category defined by said user for said entry and a description of said category (see column 11, lines 37-42, and see column 16, lines 50-58); and

storing an indication in said on-line database associating said entry with said category (see column 11, lines 43-56, and see column 12, lines 12-24.)

Cooper does not teach presenting the user with an HTML-formatted web page including at least one field for receiving input from said user and receiving through said HTML-formatted web page.

Rogers teaches a server agent for fulfilling requests of a web browser (see Abstract), in which he teaches presenting the user with an HTML-formatted web page (see column 7, lines 58-61 and see column 13, lines 11-20) including at least one field for receiving input from said user and receiving through said HTML-formatted web page (see element 41 "data input field" in figure 3, and see column 10, lines 46-57.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Cooper** by the teachings of

Rogers because presenting the user with an HTML-formatted web page including at least one field for receiving input from said user and receiving through said HTML-formatted web page, would enable the system to expand its search and retrieval beyond local networks and onto the World Wide Web. According to **Rogers**, "our invention may be employed in a distributed computer system environment which has internal or intranet networks represented in our preferred embodiment by the DIS Network 13 and external networks including the Internet to connect clients to World Wide Web servers and other servers within the system in which our invention is situate" (see column 9, line 65 through column 10, line 7.)

As to claims 23, 29, and 35, **Cooper** as modified, teaches wherein said entry includes non-textual content (see **Cooper**, column 18, line 4 through column 19, line 3.)

As to claims 24, 30, and 36, **Cooper** as modified, teaches wherein said non-textual content comprise graphics (see **Cooper**, column 19, lines 4-17.)

As to claim 34, **Cooper** teaches a web server for creating entries in an on-line database including a user-defined category and an associated description comprising:

a web server and an associated database, the web server including a HTML front-ending process configured to:

receive a request from a user to create an entry in an online database (see column

9, lines 14-24, and see column13, line 66 through column 14, line 1) accessible over a

public network (see figure 3 and see paragraph 6, lines 42-64);

create an entry in an on-line database (see column 14, lines 30-36);

receive a category defined by said user for said entry and a description of said

category (see column 11, lines 37-42, and see column 16, lines 50-58); and

store an indication in said online database associating said entry with said

category (see column 11, lines 43-56, and see column 12, lines 12-24.)

For the teachings of, "presenting the user with an HTML-formatted web page

including at least one field for receiving input from said user and receiving through

said HTML-formatted web page", the Applicant is directed to the remarks and

discussions made in claims 22 and 28 above, in view of the teachings by **Rogers**.

10. Claims 25-27, 31-33, and 37-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Cooper** in view of **Rogers**, as applied to claims 22-24, 28-30, and

34-36 above, and further in view of Bernstein et al (U.S. Patent No. 5,297,249,

hereinafter referred to as **Bernstein**.)

As to claims 25, 31, and 37, **Cooper** as modified, still does not teach further

comprising an act of said user indexing said entry in said on-line database with at

least one user-defined keyword (see rejection under 35 U.S.C. 112, second paragraph

for lack of antecedent basis for "said user indexing" in claim 25.)

However, **Bernstein** teaches a hypermedia link master abstract and search service (see Abstract), in which he teaches an act of allowing said user to index said selected entry in said on-line database with at least one user-defined keyword (see column 10, lines 27-51, and see column 21, line 55 through column 22, line 2.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Cooper** as modified, by the teaching of **Bernstein**, because an act of said user indexing said entry in said on-line database with at least one user-defined keyword, would result in faster and more accurate searches by the user, in obtaining relevant content that have some common keywords or identifiers.

As to claims 26, 32, and 38, **Cooper** as modified, still does not teach further comprising the act of said user adding a URL to said entry in said on-line database (see rejection under 35 U.S.C. 112, second paragraph for lack of antecedent basis for "said user adding" in claim 26.)

Nonetheless, **Bernstein** teaches hypermedia linking throughout his invention (see, for example, column 21, line 55 through column 22, line 2. Also, see claim 9.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Cooper** as modified, by the teaching of **Bernstein**, because an act of said user adding a URL to said entry in said on-line database, would allow the user to click a hypermedia link in a database and access the hypermedia content pointed to by that link (see **Bernstein**, column 2, lines 14-62, and see claim 9.)

As to claims 27, 33, and 39, **Cooper** as modified, still does not teach further comprising an act of said user adding a hyperlink to said entry in said on-line database (see rejection under 35 U.S.C. 112, second paragraph for lack of antecedent basis for "said user adding" in claim 27.)

Nonetheless, **Bernstein** teaches hypermedia linking throughout his invention (see, for example, column 21, line 55 through column 22, line 2. Also, see claim 9.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Cooper** as modified, by the teaching of **Bernstein**, because an act of said user adding a hyperlink to said entry in said on-line database, would allow the user to click a hypermedia link in a database and access the hypermedia content pointed to by that link (see **Bernstein**, column 2, lines 14-62, and see claim 9.)

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

September 18, 2007

/Tony Mahmoudi/

Tony Mahmoudi
Patent Examiner
Art Unit 2165
Tel. (571) 272-4078
Fax (571) 273-4078

tony.mahmoudi@uspto.gov